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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,645	03/07/2001	Troy Michael Runge	16,670	5221

23556 7590 11/01/2004

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EXAMINER

HALPERN, MARK

ART UNIT PAPER NUMBER

1731

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/800,645

**Applicant(s)**

RUNGE ET AL.

**Examiner**

Mark Halpern

**Art Unit**

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-19,22-33 and 35-79 is/are pending in the application.
- 4a) Of the above claim(s) 35-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-19,22-33 and 77-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

- 1) Acknowledgement is made of Amendment received 8/24/2004. Applicants amend claims 1-2 and 22-23.

### ***Claim Objections***

- 2) The status of claims 77-79, should recite -(Previously Presented)- in place of "(New)".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3) Claims 1-2, 4-5, 8-19, 22-23, 25, 27-33, 77-79, are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw (3,819,470).

Claims 1-2, 4-5, 14, 18-19, 22-23, 25, 27: Shaw discloses a process of making paper, where in the process a pulp of cellulosic fiber slurry is prepared and then made into a web sheet on a web-forming apparatus and dried. The dried web is then surface treated with a chemical and then again dried. Adequate time is provided for retention of the chemical applied to the web. The treated, dried fibers of the web are reslurried in water. The chemical remains attached to the fibers, with essentially no removal of the

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chemical from the fibers upon the fibers dispersing in water. The fibers are then dewatered and formed into a sheet and dried (col. 3, line 1 to col.5, line 30).

Claims 8-13, 33: the chemical additives are debonding, softening, absorbency and strength agents (col. 3, line 55 to col. 4, line 15, and col. 5, lines 30-55).

Claims 15, 29-32, 77-79: the amount of chemical additive is disclosed in Examples 1-10, and in col. 4, lines 15-18, and col. 6 lines 16-23.

Claims 16-17: dried fiber consistency is disclosed in Examples 1-10 and col. 4, lines 18-24.

Claim 28: the paper product enhanced quality is disclosed (Abstract).

4) Claims 3, 6, 24, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Champaigne (3,556,931). Shaw is applied as above for claims 1, 22, Shaw is silent on a z-direction gradient of the chemical additive. Champaigne discloses a process of making a cellulosic fluffed sheet, wherein a quaternary ammonium salt is added to the web in such a way as to penetrate only the surface zone of the web and thus create a gradient of chemical additive penetration into the web (Champaigne, col. 1, lines 13-27, and col. 1, line 64 to col. 2, line 19). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Shaw and Champaigne, because such a combination would create a product of Shaw having a dense absorbent inner zone and a softer more fluid outer zone, as disclosed by Champaigne (col. 1, lines 25-27).

***Response to Amendment***

- 5) Claims 1-2, 4-5, 8-15, 18-19, 22-23, 25, 27-33, 77-79, rejection under 35 U.S.C. 102(e) as being anticipated by Gross (6,344,109), is withdrawn in view of further search of art in prior art.
- 6) Claims 16-17, rejection under 35 U.S.C. 103(a) as being unpatentable over Gross, is withdrawn in view of further search of art in prior art.
- 7) Claims 3, 6, 24, 26, rejection under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Champaigne (3,556,931), is withdrawn in view of further search of art in prior art.
- 8) Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

- 9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mark Halpern